

Sixth Appellate District

San Jose, California

MONDAY, APRIL 16, 2007

The following cases are submitted this date:

H025445 PEOPLE v. RISTAU
H027660 PEOPLE v. AUYON
H028970 PEOPLE v. SIQUEIROS
H027820 PEOPLE v. SOTO
H027516 PEOPLE v. TORRES
H027409 PEOPLE v. RAMIREZ
H029323 PEOPLE v. LANDECHO
H025981 PEOPLE v. BROWN
H027528 PEOPLE v. BRADFORD
H027609 PEOPLE v. HOWARD

TUESDAY, APRIL 17, 2007

The following case is submitted this date:

H030430 In re LINDA D.; MONTEREY COUNTY DSS v. PATRICIO S.

The Court met in the Panelli Moot Court Courtroom, Santa Clara University, Santa Clara, CA. Present: Rushing, P.J.; Mihara, J.; McAdams, J.; and S. Nasson, Deputy Clerk.

H028798 PEOPLE v. NGUYEN

Cause called and argued by Seth Flagsberg appearing for Appellant and by Amy Haddix, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Rushing, P.J. and Mihara, J. leave the bench. Bamattre-Manoukian, Acting P.J. and Duffy, J. take the bench.

H028927 PEOPLE v. MARTINEZ

Cause called and argued by Arthur Dudley appearing for Appellant and by Peter Flores, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029442 PEOPLE v. MARTINEZ

Cause called and argued by Thomas Singman appearing for Appellant and by William Kuimelis, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H028532 WILLIAMS v. WILLIAMS

Cause called and argued by Robert Roth appearing for Appellant and by Bernard Wolf appearing for Respondent. Cause ordered submitted. Court adjourns.

Sixth Appellate District

San Jose, California

Tuesday, April 17, 2007 (continued)

H028881 PEOPLE v. AVILA

The clerk of the superior court is ordered to correct the abstract of judgment to reflect midterm sentences on counts 2, 7, and 8 and forward a corrected abstract of judgment to the Department of Corrections. The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 17, 2007

H030536 In re VINCENT B.; DFCS v. DIANE B.

The order is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed April 17, 2007

WEDNESDAY, APRIL 18, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and Jane Valdez Flor, Deputy Clerk.

H028233 PEOPLE v. VASQUEZ

Cause called and argued by David D. Martin appearing for Appellant and by Jeffrey M. Laurence, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029168 PEOPLE v. POSADAS

Cause called and argued by Tara Maria Mulay appearing for Appellant and by Jeffrey M. Laurence, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029713 HUONG QUE, INC., et al. v. LUU, et al.

Cause called and argued by Thomas R. Hogan appearing for Appellants and by Ann A. Nguyen appearing for Respondents. Cause ordered submitted.

H030212 ROUSH v. SEAGATE TECHNOLOGY, LLC, et al.

Cause called and argued by Aaron Markowitz appearing for Appellant and by David Murphy appearing for Respondents. Cause ordered submitted.

H029796 COBB v. GABRIELE, et al.

Cause called and argued by Nancy Elizabeth Lofdahl appearing for Appellant and by Alan J. Smith appearing for Respondents. Cause ordered submitted.

Rushing, P.J. leaves the bench and McAdams, J. takes the bench.

Sixth Appellate District

San Jose, California

Wednesday, April 18, 2007 (continued)

H029737 PEOPLE v. LOPEZ

Cause called and argued by Kathleen W. Novoa appearing for Appellant and by Christopher Grove, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Court recesses until 1:30 p.m.

The Court reconvened at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Elia, J.; Rushing, P.J.; Premo, J.; and Lanae Brooks, Deputy Clerk.

H030304 PEOPLE v. URENO

Cause called and argued by Katarzyna Kozik appearing for Appellant and by Jeffrey M. Bryant, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029839 DAVID v. D & D APPAREL, INC., et al.,

Cause called and argued by Richard L. Perez appearing for Appellant and by James L. Dawson appearing for Respondents. Cause ordered submitted.

H029982 BEAUCHESNE, et al. v. CHODERA, et al.

Cause called and argued by Richard B. Bernard appearing for Appellants and by David W. Lively appearing for Respondents. Cause ordered submitted.

Court is adjourned.

H030451 THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY v. THE SUPERIOR COURT OF SANTA CLARA COUNTY; UMANA

The petition for writ of mandate is denied. Costs in this original proceeding are awarded to real party in interest Brian J. Umana. (published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed April 18, 2007

H030399 WRIGHT v. ISSAK, et al.

By the Court:

The written opinion which was filed on March 20, 2007, is certified for publication. (Premo, J.; Rushing, P.J., Elia, J.)

The written opinion which was filed on March 20, 2007, has now been certified for publication pursuant to rule 8.1105(b) of the California Rules of Court, and it is therefore ordered that the opinion be published in the official reports.

Dated: April 18, 2007

Rushing, P.J.

Sixth Appellate District

San Jose, California

Wednesday, April 18, 2007 (continued)

H029884 PORTER v. SUPERIOR COURT; THE PEOPLE

*By the Court:

Respondent's petition for rehearing and motion for judicial notice are denied.

*Before Rushing, P.J., Premo, J., and Elia, J.

THURSDAY, APRIL 19, 2007

The following cases are submitted this date:

H030166 In re JULIUS L.; D.F.C.S. v. DEVON L., et al.

H030650 PEOPLE v. TREVOR H.

H027313 PEOPLE v. SALDANA

H030470 PEOPLE v. KIMBERLY B.

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Bamattre-Manoukian, J.; and W. Magsaysay, Deputy Clerk.

H027550 PEOPLE v. SWEAT, et al.

Cause called and argued by Gordon S. Brownell appearing for appellant Willie Lewis, by Victoria H. Stafford appearing for appellant Carl Landry, by Kurt K. Robinson appearing for appellant Todd Sweat and by Rene A. Chacon, Deputy Attorney General, appearing for Respondent. Court allows Kurt Robinson, counsel for appellant Todd Sweat to submit a letter brief within 5 days from today's date addressing the Cunningham issue. Respondent may file a response to said letter brief within 5 days after filing of said letter brief in this court. Cause is ordered submitted. Rushing, P.J. and Bamattre-Manoukian, J. leave the bench. Premo, Acting P.J. is joined by Elia, J. and Duffy, J. in the panel.

H028343 LINEAR TECHNOLOGY CORPORATION v. APPLIED MATERIALS, INC., et al.

Cause called and argued by Allen Ruy appearing for Appellant and by Jeffrey Randall appearing for Respondent Applied Materials Inc. and by Laura Brill appearing for Respondent Novellus Systems and by Daniel Herling appearing for Respondent Tokyo Electron Ltd. Cause ordered submitted.

Premo, Acting P.J. and Elia, J. leave the bench.

Sixth Appellate District

San Jose, California

Thursday, April 19, 2007 (continued)

H030292 RONDON v. ALCOHOLIC BEVERAGE CONTROL BOARD; DEPT. OF ALCOHOL & BEVERAGE CONTROL

Cause called. There are no appearances by counsel as per prior arrangement with the court. Cause ordered submitted.

Mihara, Acting P.J. and McAdams, J. join the bench with Duffy, J. for the following case:

H030201 IN RE ERNEST SMITH ON HABEAS CORPUS

Cause called and argued by Scott C. Mather, Deputy Attorney General, appearing for Appellant and by Steve Defillippis appearing for Respondent. Cause ordered submitted.

Duffy, J. leaves the bench and Bamattre-Manoukian, Acting P.J. joins the bench.

H029885 MARRIAGE OF LEONARD LING AND WENDY ZEE

Cause called and argued by Bernard N. Wolf appearing for Appellant and by Lance A. Russell appearing for Respondent. Cause ordered submitted.

Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; McAdams, J.; and J. Michel, Deputy Clerk.

H029217 PEOPLE v. NGUYEN

Cause called and argued by Martin Kassman appearing for Appellant and by Martin S. Kaye, Attorney General, appearing for Respondent. Cause ordered submitted.

H030311 ANDERSON v. KELLOG

Cause called and argued by Robin D. Dakan appearing for Appellant and by Kevin Pasquinelli appearing for Respondent. Cause ordered submitted.

H029300 GABRIEL, et al. v. AILING HOUSE PEST CONTROL, INC.

Cause called and argued by Stephen Mackey appearing for Appellant and by Thomas R. Duffy appearing for Respondents. Cause ordered submitted.

McAdams, J. leaves the bench and Duffy, J. takes the bench.

Sixth Appellate District

San Jose, California

Thursday, April 19, 2007 (continued)

H030258 SANTA CRUZ COUNTY HRA v. PAZ M., et al.

Cause called and argued by Carol Koenig appearing for Appellant Paz M. and by Janet Sherwood appearing for Appellant Vincent M. and by Shannon Sullivan appearing for Respondent. Georgina Dews, appearing on behalf of minor, requests to argue. The court denies her request. Cause ordered submitted.

H030097 RAMALINGAM v. THOMPSON, et al.

Cause called and argued by Michael Reedy appearing for Appellant and by Claudia J. Robinson appearing for Respondents. Cause ordered submitted.

The court stands in adjournment.

H029299 PEOPLE v. DIAZ

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed April 19, 2007

H029176 SMITH v. SMITH

By the Court*:

Appellant's petition for rehearing is denied.
Filed April 19, 2007
*Before Rushing, P.J., Premo, J. and Elia, J.

FRIDAY, APRIL 20, 2007

H030009 PEOPLE v. RYNHARD

The judgment is modified to strike the \$70 fine and related \$119 penalty assessment. As so modified, the judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed April 20, 2007

H029674 PEOPLE v. VARELAS

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)
Filed April 20, 2007

H028839 PEOPLE v. TOLDEN

By the Court*:

Appellant's petition for rehearing is denied.
Filed: April 20, 2007
*Before Rushing, P.J., Premo, J. and Elia, J.

Sixth Appellate District

San Jose, California

Friday, April 20, 2007 (continued)

H030236 PEOPLE v. JIMENEZ

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy,
J.)

Filed April 20, 2007

H027362 PEOPLE v. RODRIGUEZ

By the Court:

Appellant's motion to vacate submission and for leave to
file a supplemental brief is granted. The submission order of
April 11, 2007, is hereby vacated. The clerk of this court is
ordered to file appellant's supplemental brief forthwith.
Respondent may file a supplemental brief within 15 days of the
date of this order. The cause will be resubmitted upon completion
of supplemental briefing

Dated: April 20, 2007

Premo, Acting P.J.